



**CONNOLLY BOVE LODGE & HUTZ LLP**

ATTORNEYS AT LAW

The Nemours Building  
1007 North Orange Street  
P.O. Box 2207  
Wilmington DE 19899  
TEL (302) 658 9141  
FAX (302) 658 5614

1990 M Street, NW, Suite 800  
Washington DC 20036  
TEL (202) 331 7111  
FAX (202) 293 6229

WEB [www.cblh.com](http://www.cblh.com)

Timothy M. Holly  
DIRECT DIAL: (302)-252-4217  
DIRECT FAX: (302)-658-0380  
EMAIL: [tholly@cblh.com](mailto:tholly@cblh.com)  
REPLY TO: Wilmington Office

April 10, 2006

**BY HAND DELIVERY AND CM/ECF ELECTRONIC FILING**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 King Street  
Lock Box 27  
Wilmington, Delaware 19801

**RE: Gilliland v. Providence Creek Services LLC  
Civil Action No. 06-051 JJF**

Dear Judge Farnan:

Please find enclosed herewith a Joint Proposed Rule 16 Scheduling Order (and related Certificate of Service), which has been agreed to by plaintiff and defendant from whom counsel has entered an appearance.

We are available should Your Honor have any questions or comments.

Respectfully,

Timothy M. Holly

Enclosures

cc: Mr. Marc C. Ostroff (by first class mail w/ enclosure)  
Matthew F. Boyer, Esquire (by hand delivery w/ enclosure)  
Michael J. Goodrick, Esquire (by CM/ECF notification w/ enclosure)

CBLH: 458052

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES G. GILLILAND,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 06-51-JJF
	)	
PROVIDENCE CREEK SERVICES,	)	
LLC, a	)	
Delaware corporation,	)	
	)	
Defendant.	)	

**O R D E R**

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre—Discovery Disclosures.** The parties will exchange by April 17, 2006 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before May 1, 2006.

3. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact Magistrate Judge Thyng to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. **Discovery.**

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by September 15, 2006.

(b) Maximum of 30 interrogatories by each party to any other party.

(c) Maximum of 30 requests for admission by each party to any other party.

(d) Maximum of 5 depositions by plaintiff and 5 by defendant. Depositions shall not commence until the discovery required by Paragraph 4 (a, b and c) are completed.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff by October 16, 2006, from the defendant by November 16, 2006.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

**5. Discovery Disputes.**

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov) that the parties have completed briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

6. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before October 16, 2006.

7. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before November 30, 2006. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (1) days from the above date without leave of the Court.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov). The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** The Court will schedule a Pretrial Conference and Trial after reviewing the parties' Proposed Scheduling Order.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

CBLH:

455910\_1

**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2006, the foregoing Joint Proposed Rule 16 Scheduling Order was filed electronically with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Michael J. Goodrick, Esquire  
Michael J. Goodrick, P.A.  
P.O. Box 134  
Wilmington, DE 19899

  
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Timothy M. Holly (Bar No. 4106)